

REMARKS

Reconsideration is respectfully requested.

The above amendments are made without prejudice. The newly added claims are essentially duplicative of previously cancelled Claims 12-18 and 20, respectively, which were inadvertently cancelled in the previously filed Amendment. No new matter has been added.

The approval of the drawing corrections has been noted with appreciation.

With respect to the restriction requirement, Applicant's respectfully traverse the requirement and rely on the following arguments.

The present invention as claimed recites the selection of an appropriate material that is capable of transferring at least some of the heat provided by the predetermined wavelength of light to an interface between the material and the waveguide. That is, the presently claimed invention transfers heat to the interface between the waveguide and the material, and this heat causes a permanent change in the material at the interface and thereby changes the relative stresses at the interface to substantially compensate for birefringence. The significance of the material defining the interface is a feature of this invention, and is recited in some of the claims as comprising a substrate.

It is respectfully submitted that the restriction requirement is improper, and that the claims originally filed in this application and now repeated herein by addition of new Claims 25-32 recite the elements of a single invention. The restriction fails to indicate how the two groups identified in the restrictions requirement present independent and distinct inventions, as is required by 35 U.S.C. §121. For example, the elements recited in cancelled Claim 12 and added Claim 22 are virtually identical, except for minor variations in terminology (which do not rise to level of presenting modified or additional limitations). The addition of the term interface at the

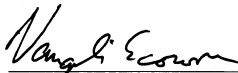
contact area of the waveguide and material does not change the characterization of the invention, because the invention is featured in the transfer of heat, resulting from absorption of predetermined wavelengths of light, from the material to the waveguide. In Claim 12, the term used was "localized heating... of a region," in Claim 22, the term used was "interface" defined by the material and the waveguide at a contact point there between. It is apparent from the recitation of localized heating that the heat transfer must occur at a localized region. It is also apparent from the discussion in the specification that the localized heating of the material at a region necessarily arises from contact between the material and the waveguide, such that the material is in fact transferring heat through close contact between the material recited in Claim 12 (or substrate, as is recited in Claim 19, previously cancelled) and Claim 24. It is not understood how in view of the invention as clearly described, illustrated, and claimed that there can be an "independent" invention based on the recasting of the term "heating at a localized area" to "heating at an interface."

Nevertheless, and to advance prosecution in conjunction with the requested reconsideration of the restriction requirement, Applicants herewith present Claim 32, which is essentially an identical recitation to that of previously Claim 20, inadvertently cancelled in the Amendment dated June 17, 2003.

Should reconsideration of the restriction requirement not result in withdrawal of this requirement, Applicants' recitation of Claim 32 effectively presents cancelled Claim 20 for further prosecution in this application, applicants reserve the right to request supervisory authority for reconsideration of the restriction requirement should the requirement be made final.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the restriction requirement and earnestly solicit an indication of allowable subject matter in the presently pending claims 22-32.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vangelis Economou". The signature is fluid and cursive, with the first name "Vangelis" written in a larger, more prominent script than the last name "Economou".

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